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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,333	07/10/2001	Philip James Campaigne	5/00	8457
44769	7590	08/23/2005	EXAMINER	
PHILIP JAMES CAMPAIGNE 101 SLOUGH ROAD HARVARD, MA 01451			NGUYEN, BINH AN DUC	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/902,333	CAMPAIGNE, PHILIP JAMES	
	<b>Examiner</b>	<b>Art Unit</b>	
	Binh-An D. Nguyen	3713	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Binh-An D. Nguyen (examiner). (3) Philip Campaigne (inventor).  
 (2) Xuan Thai (SPE). (4) \_\_\_\_\_.

Date of Interview: 28 July 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 38-49.

Identification of prior art discussed: Blumberg (6,240,415), Mintz (6,250,930), Abbott et al. (6,135,881).

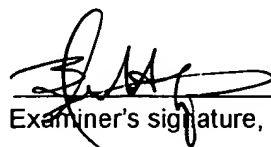
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant, in addition to his remarks submitted via email (see attachments), explained his invention in which a plurality of reporters evaluate or report team-member activity, wherein guiding reporters how to collectively self-organize information provided by a matrix. The applicant further pointed to other structures such as sign-up mechanism, report management system, and quality system for structural supports of the claimed invention. Applicant's remarks have been found persuasive and have overcome the rejection under 35 U.S.C. 112, first paragraph. Further, the applicant pointed out the differences of the claimed invention from the cited references of Blumberg, Mintz, and Abbott et al. The applicant has been suggested to incorporate the limitation of "recording redundant reports via data entry device and selecting a representative report from each set of redundant reports by said one or more data processors" into independent claims 38 and 44 to distinguish them from the reference of Blumberg and overcome the prior art of record. Additionally, in the response to the last Office action, the applicant must specifically point out how the language of the claims patentably distinguishes them from the references.

**Nguyen, Binh-An**

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**From:** Phil Campaigne [campaigne@hotmail.com]  
**Sent:** Tuesday, July 19, 2005 10:22 AM  
**To:** Thai, Xuan  
**Cc:** Nguyen, Binh-An  
**Subject:** 09/902,333 - Request for Phone Interview July 28th at 11 AM

Subject: Application No. 09/902,333 - Request for Phone Interview July 28th at 11 AM

Our last phone interview established that with suggested wording changes, all outstanding objections to allowance had been overcome, if a further prior art search under the education class produced no evidence of anticipation. However, the recent non-final action rejects all claims and yet cites no justification from the educational class search. Instead, the justification for rejection comes from new grounds that are not new at all but a rehash of grounds already resolved in the applicant's favor by Jessica Harison (Senior Examiner) and Theresa Walberg(former Examining Supervisor).

Office Action of 04 May 2005

- 1-3. Wording was supplied by Examining Supervisor after consulting with Business Methods Group and agreed to by Applicant.
4. 112 Rejection in Claim 38 a),b),c),d) overrules prior approval by Examining Supervisor Theresa Walberg and Senior Examiner Jessica Harrison documented in Interview summary between Applicant and Binh-An Nguyen dated 10 May 2004. This interview summary includes the rationale (Talking Points attachment and subsequent response to detailed action) that was found to overcome.
7. 102 (e) Claim 38 rejection based on old ground. Examiner cited Bloomberg and Abbot in 03/28/2003 Office Action but found no 102 grounds for rejection in 2003. Instead Examiner cited Birch as a stronger argument which was overcome. Citing Bloomberg at this time does not uncover any new grounds. Furthermore the Examiner shows no reason why Bloomberg establishes grounds now when it did not in 2003 in light of the fact that the claimed matter has not changed. Furthermore, Bloomberg contains different elements from the present invention. Bloomberg has a user voting function (Bloomberg FIG. 6b) while Campaigne omits this element. Campaigne also accomplishes its function while omitting the Bloomberg element "relating a current database of a player together with historical database related to that player". Campaigne's function is to organize the reporting efforts of plural reporters so that their collective reporting simulates the reporting of one omniscient reporter. To make this possible Campaigne includes the novel combination of a common protocol and common measuring system so that plural reporters can collectively report all aspects of a contest's player activity that is causal to team achievement. Bloomberg does not have this function. Instead it allows users to submit votes based on personal preferences and creates no common perspective or measuring system to set common criteria for consistent "voting". Bloomberg produces the prevailing opinion of voters as in a survey. Furthermore, the Examiner has shown no objective teaching that would lead one skilled in the art to combine the relevant teachings of Bloomberg, Abbot and Mintz.

It is the Applicants position that resolution of these points in the Applicant's favor would allow claim 38 and establish that the application contains patentable material. All other claims contain the subject matter of claim 38 and add additional subject matter which makes them a fortiori and independently

patentable.

The Applicant requests that the purpose of the scheduled interview be to resolve theses cited issues and to determine that this application is patentable. To eliminate further misunderstandings and rejections, the Applicant respectfully requests that the Examining Supervisor write the final claims for allowance.

Sincerely,  
Phil Campaigne  
(978) 456-8302

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**Nguyen, Binh-An**

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**From:** Phil Campaigne [campaigne@hotmail.com]  
**Sent:** Tuesday, July 26, 2005 9:53 PM  
**To:** Thai, Xuan  
**Cc:** Nguyen, Binh-An  
**Subject:** Talking Points for 7/28 11 am meeting

Talking Points for Phone Meeting 7/28 at 11 am

Attendees:

Binh-An, Xuan and Phil

A lot of material has been presented in support of this application. I thought it might be helpful to review some of it.

**Claim 38 rejection a) and d)** “Guiding reporters on how to collectively self-organize information gathering” and “reporters intentions”, “one omniscient information gatherer” is supported as follows. Original Specification Conclusion Paragraph 1:

“The measurement process is made easier by allowing each REPROTER to focus on one ASPECTs for his REPORTs. In return, he benefits from receiving the consolidated CONTEST report derived from all relevant ASPECTS of the CONTEST.”

The method for collective self-organizing is described in Signup Mechanism 300 and Step 3 of System Operation in the original specification.

Comments:

The specification includes the motivation, method and result of collectively self-organizing. When selecting an ASPECT to report, the reporter is motivated to fill voids in coverage so that he receives the benefit of total consolidated information. He uses the matrix of committed coverage to ascertain remaining coverage needs to which he can commit. He can not be certain that other reporters will fulfill their commitments, so the commitments of other reporters are referred to as their “intentions”. He is participating in a common trust, where each reporter acts as if all the other declared intentions will come to pass. In this way the reporters collectively self-organize. The results of collectively self-organizing is a complete report of the contest data simulating the work of one omniscient data gatherer, which would not be possible for one reporter to accomplish by himself.

**Claim 38 rejection b) and c)** Support for “common perspective” and “guide discovery of valued team-member actions”, consistent measuring and valuing”.

Original Specification Conclusion Paragraph 1:

“This invention is a method and system for gathering and transmitting data to a central processor where it is processed to produce an analysis of team-member contributions to team achievement. It uses a team-member interaction protocol for viewing the team in action and incorporates a value system to help the REPORTER focus on the critical few ASPECTS of the CONTEST.”

Background Discussion of Prior Art:

“An example of a compatible protocol and measuring system is the subject of pending U. S. Patent Application number 09/571,874.”

Preferred Embodiment, third paragraph:

“The protocol and value system being used are described in pending U.S. Patent application number

09/571,874.”

The protocol is described in above reference (now U.S. Patent 6,496,812 B1) at 4:43 – 4:59 and FIG 3.  
The value system is described in the above reference at 6:22-8:45.

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**Nguyen, Binh-An**

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**From:** Phil Campaigne [campaigne@hotmail.com]  
**Sent:** Thursday, July 28, 2005 10:10 AM  
**To:** Thai, Xuan  
**Cc:** Nguyen, Binh-An  
**Subject:** Additional Talking Point

One more talking point concerning 112 first paragraph:  
**There are no grounds for a 112 first paragraph rejection.**

#### Examination Guidelines for Computer-Related Inventions

2. Claims Particularly Pointing Out and Distinctly Claiming the Invention (third paragraph)  
The scope of a “means” limitation is defined as the corresponding structure or material (eg., a specific logic circuit) set forth in the written description and equivalents.” P.24

Comments: It is well known that all objects in a description need not be defined as long as they are in the public domain and particularly pointed out there. This hurdle is overcome by the reference, “The protocol and value system being used are described in pending U.S. Patent application number 09/571,874”. The over-riding guide is whether it reasonably conveys to those skilled in the art and enables them to make and use the invention as claimed without undue experimentation. This passes the test of “equivalents”.

#### B. Determine Whether the Claimed Invention Complies with 35 U.S.C. & 112, First Paragraph Requirements

##### 1. Adequate Written Description

“For the written description requirement, an applicant’s specification must reasonably convey to those skilled in the art that the applicant was in possession of the claimed invention as of the date of invention. The claimed invention subject matter need not be described literally, i.e., using the same terms, in order for the disclosure to satisfy the description requirements.” P. 25

Comments: In the original specification I have stated that (the invention) “It uses a team-member interaction protocol for viewing the team in action and incorporates a value system to help the REPORTER focus on the critical few ASPECTS of the CONTEST.” (Conclusion, Paragraph 1) I then particularly point out where a full description can be obtained (preferred embodiment). This meets the “need not be described literally” requirement). Since I am also the inventor of the previously patented protocol and value system, I clearly was in possession of the claimed invention as of the date of this pending invention.

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